

LENNON, MURPHY & LENNON, LLC
 Attorneys for Defendant
 CONGENTRA A.G.
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 New York, New York 10170
 Telephone: (212) 490-6050
 Facsimile: (212) 490-6070
 Kevin J. Lennon

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	
SIXTEEN THIRTEEN MARINE S.A.,	: 08 CV 1318 (HB)
	:
Plaintiff,	: ECF CASE
	:
- against -	:
	:
CONGENTRA A.G.,	:
	:
Defendant.	:
-----X	

**DECLARATION IN SUPPORT
 OF MOTION TO VACATE MARITIME ATTACHMENT**

State of Connecticut)
) ss: SOUTHPORT
 County of Fairfield)

Kevin J. Lennon, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and represent the Defendant, Congentra A.G. ("Congentra" or "Defendant") herein. I am familiar with the facts of this case and make this Declaration in support of Congentra's motion to vacate Plaintiff, Sixteen Thirteen Marine S.A.'s ("STM" or "Plaintiff") maritime attachment.

2. Annexed hereto as Exhibit "1" is a true and accurate copy of the Plaintiff's Amended Verified Complaint.

3. Annexed hereto as Exhibit "2" is a true and accurate copy of the Amended Ex Parte Order dated February 20, 2008.

4. Annexed hereto as Exhibit "3" is a true and accurate copy of the loadport Statement of Facts.

5. Annexed hereto as Exhibit "4" is a true and accurate copy of the discharge Statement of Facts.

6. Annexed hereto as Exhibit "5" is a true and accurate copy of the Russian Port State Control report.

7. Annexed hereto as Exhibit "6" are true and accurate copies of emails exchanged between the Vessel Master and Vessel's commercial managers.

8. Annexed hereto as Exhibit "7" are true and accurate copies of non-conformity reports filed by the Vessel Master.

Dated: March 4, 2008
Southport, CT


Kevin J. Lennon

Sworn to and subscribed to before me
this 5th day of March, 2008.


Notary Public/Commissioner of
Superior Court

EXHIBIT 1

78-03/MEU/SL

FREEHILL HOGAN & MAHAR, LLP
Attorneys for Plaintiff
SIXTEEN THIRTEEN MARINE S.A.
80 Pine Street
New York, NY 10005
(212) 425-1900
(212) 425-1901 fax
Michael E. Unger (MU 0045)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

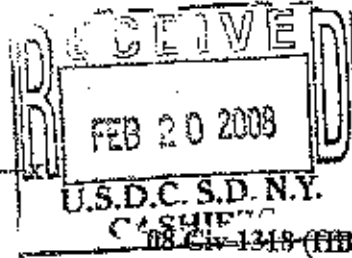
SIXTEEN THIRTEEN MARINE S.A.,

Plaintiff,

-against-

CONGENTRA AG,

Defendant.



**AMENDED
VERIFIED COMPLAINT**

X
Plaintiff, SIXTEEN THIRTEEN MARINE S.A. (hereinafter "STM") for its Amended Verified Complaint against Defendant CONGENTRA AG (hereinafter "CONGENTRA") alleges upon information and belief as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure in that it involves a claim for the breach of a maritime contract of charter party. This case also falls under this Court's admiralty and maritime jurisdiction pursuant to 28 U.S.C. §1333 and the Court's federal question jurisdiction pursuant to 28 U.S.C. §1331 in that the action arises under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, codified at 9 U.S.C. §201 *et seq.* and/or the Federal Arbitration Act, 9 U.S.C. §1 *et seq.*

2. At all times material hereto, Plaintiff STM was and still is a foreign business entity duly organized under the laws of a foreign country with an address at 80 Broad Street, Monrovia, Liberia.

3. At all times relevant hereto, Defendant CONGENTRA was and still is a foreign business entity duly organized and existing under the laws of a foreign country with an address at 6301 Bahnhofstrasse 12, Zug, Switzerland.

4. On or about October 10, 2007, Plaintiff STM, as disponent owner of the M/V NICHOLAS M, entered into a maritime contract of charter party with Defendant CONGENTRA, as charterer, at an agreed rate of hire, to carry a cargo of 30,204 metric tons of soyabean meal from San Lorenzo in Argentina to St. Petersburg in Russia, with the charter expected to take approximately 60 days.

5. At 1100hrs on 2nd December 2007, during discharge at St. Petersburg, a relatively small quantity of damaged/wetted cargo was found below the surface layer of the cargo in Hold No. 4 only. At 1525hrs on 15th December 2007 a smaller quantity of damaged/wetted cargo was found in hold No. 2.

6. The amount of damaged cargo found by the Russian official inspectors was 150.12 metric tons in No.4 hold and 64.12 metric tons in No.2 hold.

7. After the discovery of the damaged cargo, Defendant CONGENTRA, the cargo receivers - Euroweg, and their agents - Anteks, acting in concert, demanded security for US\$2,790,000 and threatened to arrest the vessel.

8. On 24th December 2007, the vessel's P&I Club (insurance company), The American Steamship Owners Mutual Protection and Indemnity Association Inc., posted security in the amount of US\$322,271 plus interest and costs.

9. Testing of the cargo during the period in question determined that none of the damage was caused by contact with seawater damage – meaning that the damage was all due to pre-shipment conditions for which Plaintiff, STM, was neither liable nor responsible.

10. Nonetheless, and in bad faith, Defendant CONGENTRA and non-parties Euroweg, and Anteks refused throughout the material period to discharge the cargo and to segregate it as to good and damaged ashore, thereby extensively delaying the vessel from completing her discharge operations.

11. On or about 29th December 2007, Defendant CONGENTRA and non-parties Euroweg, and Anteks sought to delay the vessel further by requesting ultrasound tests within the holds. They had a contractual right to carry out such testing at the loadport but did not opt to do so. They threatened to obtain an order of the English High Court. Plaintiff STM pointed out that the requests were only seeking to delay the vessel and refused. No order of the English High Court was ever presented to the vessel thereafter. At about this time, Defendant CONGENTRA and non-parties Euroweg, and Anteks learned that the vessel's classification society had temporarily withdrawn the vessel's certificate of class pending repairs to a hydraulic lifting mechanism for the hatch covers of No.6 hold [where no cargo damage was found].

12. Defendant CONGENTRA and non-parties Euroweg, and Anteks at this point in time "persuaded" Russian Port State Control officials to go on board and detain the ship for a number of days in an attempt to gather evidence against the vessel to help support their dubious claims. The Russian Port State Control eventually released the vessel without any serious deficiencies having been found that would warrant detention. No explanation has been provided as to why Defendant CONGENTRA waited over three weeks after the first discovery of damaged cargo on board to involve the Russian Port State Control.

13. As a result of the improper actions of Defendant CONGENTRA and non-parties Eurowegm, and Anteks, the vessel missed the December 31, 2007 cancelling date, a date extended from the original December 23, 2007 cancelling date (ie, date on which the vessel must be delivered into service or the charterer has the option of cancelling the charter) for her next charter to non-party Britannia Bulkers.

14. Given that the market rate for like vessels was at that time decreasing and the NICHOLAS M could be replaced by Britannia at a cheaper rate, Britannia cancelled the charter.

15. On or about January 2, 2008, it was determined that the vessel had no problems which justified her detention by the Russian Port State Control authorities, the classification society having previously returned the certificate of class after the hydraulic mechanism was repaired prior to December 31, 2007.

16. Plaintiff STM had entered into the Britannia charter (a time charter trip for about 45 days at US\$40,000/day to South America) with the objective of thereafter securing a cargo from South America to the Far East so as to be in the Far East for her scheduled dry-docking and Class intermediate survey in April 2008. In the Far East, repair costs are roughly a third of what they are in Europe.

17. Had the Britannia charter been performed, the vessel would have earned US\$1,800,000 for Plaintiff STM.

18. Had the South America to Far East fixture been performed, Plaintiff STM estimates that it would have earned a further US\$2,205,000 (52.5 days x US\$42,000) plus an additional ballast bonus of US\$550,000.

19. As a result of the delays due to the unwarranted and improper interference of Defendant CONGENTRA and its agents, the vessel lost its employment with Britannia.

20. The vessel stayed within St. Petersburg waters for as long as possible seeking to gain alternative employment but was eventually forced out into the Gulf of Finland.

21. Because the vessel is over 20 years of age and is no longer physically present within the port of St. Petersburg, it is not permitted to enter another port in the area to take a cargo due to the Baltic Ice Campaign Regulations.

22. Plaintiff STM has accordingly directed the vessel to depart the Gulf of Finland with no present employment.

23. To mitigate its damages, Plaintiff STM has fixed the M/V NICOLAS M on a substitute charter for a period of about 35 days at a hire rate of \$35,703 per day pro rata, totaling \$1,074,605 for the entire charter period.

24. As a result of the breach of charter and/or wrongful interference in its business by Defendant CONGENTRA and the conspiracy between Defendant CONGENTRA and non-parties Euroweg, and Anteks, Plaintiff STM has been damaged as near as best can be presently estimated in the sum of US\$4,505,000 less amounts to be earned under the substitute charter in the sum of US\$1,074,605 = US\$3,430,395.

25. Defendant CONGENTRA has since entered into a separate charter party for use of the M/V PRIMERA.

26. CONGENTRA will be making a hire payment to non-party Dryships (Economou) in connection with the M/V PRIMERA in the approximate amount of US\$2,000,000 to US\$2,500,000.

27. CONGENTRA will be making this hire payment to Dryships (Economou) through non-parties Uniapro, OOO Euroweb Zerno, OOO Antks and/or QDV Complex Ltd., which would act under the circumstances as agents or as paying agents of CONGENTRA.

28. The charter party provides for the application of English law and disputes between the parties to be resolved by arbitration in London, England and STM specifically reserves its right to arbitrate the substantive matters at issue. Arbitration has been commenced as Plaintiff STM has appointed its arbitrator and given notice of the appointment to Defendant CONGENTRA which has, despite obtaining security from STM's P&I Club, not appointed its arbitrator.

29. This action is brought *inter alia* pursuant to 9 U.S.C. §8 in order to obtain security for Plaintiff STM's claims made or to be made in arbitration in London under English law, as agreed by the parties.

30. As a regular feature of English law and arbitration, attorneys fees are awarded to the successful litigant, along with costs, disbursements, the cost of the arbitration, and interest, all of which constitutes a part of the Plaintiff's main claim and the amount sued for herein.

31. Plaintiff STM estimates, as nearly as can presently be computed, that the legal expenses and costs of prosecuting its claims in London arbitration will be \$200,000. Interest anticipated to be awarded is estimated to be \$510,723.32 (calculated at the rate of 7% per annum compounded quarterly for a period of 2 years, the estimated time for completion of the proceedings in London).

32. In all, the claim for which Plaintiff STM sues in this action, as near as presently may be estimated, totals \$4,141,118.32, no part of which has been paid by Defendant CONGENTRA. Plaintiff STM specifically reserves its right to amend this figure and to seek an increase in the amount of security should such sum appear to be insufficient to fully secure STM.

Request for Rule B Relief

33. Upon information and belief, and after investigation, Defendant cannot be "found" within this District for the purpose of Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims, but Plaintiff believes that Defendant has, or will shortly have, assets within this District comprising, *inter alia*, cash, funds, escrow funds, credits, debts, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire and/or sub-charter hire, of, belonging to, due or for the benefit of Defendant CONGENTRA AG (collectively hereinafter, "ASSETS"), including but not limited to charter hire payments made to Dryships (Economou) in connection with the M/V PRIMERA made in its own name and/or made for its benefit through, by or on its behalf through its paying agents Uniapro, OOO Euroweg Zemo, OOO Anteks and/or QDV Complex Ltd., including but not limited to ASSETS in its name and/or being transferred for its benefit at, moving through, or being transferred and/or wired to or from banking institutions or such other garnishees who may be served with a copy of the Process of Maritime Attachment and Garnishment issued herein.

34. The total amount sought to be attached pursuant to the above is \$4,141,118.32.

WHEREFORE, Plaintiff SIXTEEN THIRTEEN MARINE S.A. prays:

- a. That process in due form of law according to the practice of this Court may issue against Defendant citing it to appear and answer the foregoing;
- b. That if Defendant cannot be found within this District pursuant to Supplemental Rule B that all tangible or intangible property of Defendant up to and including \$4,141,118.32 be restrained and attached, including, but not limited to any cash, funds, escrow funds, credits, debts, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire and/or sub-charter

hire, of, belonging to, due or being transferred from or for the benefit of Defendant CONGENTRA AG, including but not limited to charter hire payments made to Dryships (Economon) in connection with the M/V PRIMERA made in its own name and/or made for its benefit through, by or on its behalf through its paying agents Uniapro, OOO Euroweg Zerno, OOO Anteks and/or QDV Complex Ltd., including but not limited to ASSETS in its name and/or being transferred for its benefit at, through, or within the possession, custody or control of such banking institutions and/or any such other garnishees who may be served with a copy of the Process of Maritime Attachment and Garnishment issued herein;

- c. That this Court retain jurisdiction over the matter for any further or supplemental proceedings as may be necessary, including but not limited to the recognition and enforcement of any award entered against the Defendant in the London proceedings; and
- d. For such other, further and different relief as this Court may deem just and proper in the premises.

Dated: New York, New York
February 19, 2008

FREEHILL HOGAN & MAHAR, LLP
Attorneys for Plaintiff
SIXTEEN THIRTEEN MARINE S.A.

By: _____

Michael E. Unger (MU 0043)
80 Pine Street
New York, NY 10005
(212) 425-1900

ATTORNEY VERIFICATION

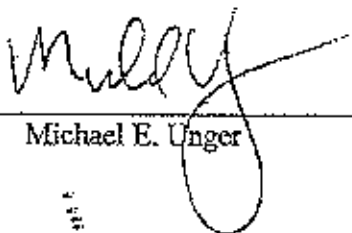
State of New York)
) ss.:
County of New York)

MICHAEL E. UNGER, being duly sworn, deposes and says as follows:

1. I am a partner with the law firm of Freehill Hogan & Mahar, LLP, attorneys for Plaintiff in this action, I have read the foregoing Amended Verified Complaint and know the contents thereof, and the same is true to the best of my knowledge, information and belief.

2. The sources of my information and the grounds for my belief are communications, information and documentation provided by our client and/or by solicitors representing our client.

3. The reason this verification is made by an attorney and not by the Plaintiff is because the Plaintiff is a foreign entity, none of whose officers are presently within this Judicial District.



Michael E. Unger

Sworn to before me this
19th day of February 2008



Notary Public

MELISSA COLFORD
Commissioner of Deeds
City of New York-No. 5-1692
Certificate Filed in New York
Commission Expires 4/1/08

EXHIBIT 2

BAER, S.

78-08/MEU/SL
 FREEHILL HOGAN & MAHAR, LLP
 Attorneys for Plaintiff
 SIXTEEN THIRTEEN MARINE S.A.
 80 Pine Street
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 (212) 425-1900
 (212) 425-1901 fax

Michael E. Unger (MU 0045)

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 2/20/08

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

SIXTEEN THIRTEEN MARINE S.A.,

08 CIV 1318 (HB)

Plaintiff,

-against-

CONCENTRA AG,

Defendant.

AMENDED

ORDER
 DIRECTING CLERK TO
 ISSUE PROCESS OF
 MARITIME ATTACHMENT
 AND GARNISHMENT;
 APPOINTING PERSON(S) TO
 SERVE PROCESS
 PURSUANT TO RULE 4(c);
 and DEFINING SCOPE OF
 SERVICE

Upon reading and filing the Amended Verified Complaint of the Plaintiff herein, verified on the 19th day of February, 2008, and the Affidavit of Michael E. Unger, sworn to on the 8th day of February, 2008, that to the best of his information and belief, the Defendant CONCENTRA AG cannot be found within this District for the purpose of an attachment under Supplemental Rule B(1), and in support of an order appointing a special process server pursuant to Rule 4(c), and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist, and good cause having been shown; and

NOW, upon motion of Freehill Hogan & Mahar, LLP, attorneys for the Plaintiff, it is hereby

ORDERED that the Clerk of this Court is directed forthwith to issue the Amended Process of Maritime Attachment and Garnishment for seizure of all tangible and intangible property of the Defendant, as described therein, including but not limited to any property in which the Defendant has an interest, including but not limited to any cash, funds, escrow funds, debts, credits, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, and/or any other assets of, belonging to, due or being transferred to, from, or for the benefit of the Defendant CONCENTRA AG, (hereinafter "ASSETS"), including but not limited to charter hire payments made to Dryships (Economou) in connection with the M/V PRIMERA made in its own name and/or made for its benefit through, by or on its behalf through its paying agents Uniapro, OOO Euroweg Zerno, OOO Anteks and/or QDV Complex Ltd., including but not limited to such ASSETS as may be held, received or transferred for its benefit at, through, or within the possession, custody or control of banking institutions and/or other institutions and/or such other garnishee(s) on whom a copy of the Amended Process of Maritime Attachment and Garnishment may be served, in the amount of \$4,141,118.32 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure in respect to the claim against the Defendant, as identified in the Amended Verified Complaint and as specified in the Amended Process; and it is further

ORDERED that supplemental amended process enforcing the Court's Order may be issued and served without further Order of the Court; and it is further

ORDERED that Lawrence Kahn, Barbara Carnevale, Pamela Shultz, Justin Nastro, Daniel Fitzgerald, Michael Elliot, Jan Gisholt, Susan Lee, Robert Ridenour, Joan Sorrentino, Christina Gargano, or any other partner, associate, paralegal or other agent of Freehill Hogan &


Mahar LLP be and is hereby appointed, in addition to the United States Marshal, to serve the Amended Process of Attachment and Garnishment and the Amended Verified Complaint, together with a copy of this Order and any Interrogatories, upon any garnishee(s) named in the Amended Process, together with any other garnishee(s) who (based upon information developed subsequent hereto by the Plaintiff) may hold assets of, for, or on behalf of the Defendant; and it is further

O R D E R E D that following initial service upon any garnishee by the United States Marshal or any other person designated by Order to make service in this action, supplemental service of the Amended Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, such service to be in accordance with each garnishee's preference or policy, and such facsimile or other electronic transmission shall be deemed to be made within the district if it has been sent from within the district; and it is further

O R D E R E D that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service, and that same service is further deemed to be effective through the end of the next business day provided another service is made during the next business day; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), each garnishee may consent, in writing, to accept service by any other means.

Dated: New York, New York
February 20, 2008



Hon. Harold Baer, Jr., U.S.D.J.
LAURENCE M. MCCENNA
PART I

EXHIBIT 3



STATEMENT OF FACTS

Page 1

M/V: NICHOLAS M. PORT OF SAN LORENZO
 Flag: ST. VINCENT & GRENADINES
 Master: APILADO, AMAADO Y.
 Cargo: SOYA MEAL IN BULK

Bunkers on arrival: FOIL: 218,60 mt
MDOIL: 179,40 mt PW: 123,00 mt
 Bunkers on sailing: FOIL: 520,54 mt
MDOIL: 154,2 mt PW: 160 mt
 Draft on arrival:
 From: 3,78 mts Aft: 3,34 mts
 Draft on sailing:
 From: mts Aft: mts

Arrived at road: 18/10/2007 - 08:35 hrs.
 Departed: 18/10/2007 - 11:45 hrs.
 Commenced operations: 18/10/2007 - 14:25 hrs.
 Completed operations: 30/10/2007 - 12:00 hrs.
 Sailed: 30/10/2007 - 16:00 hrs.

Date	Time	Observations
15/10/2007	Mon. 13:00 hrs 14:00 hrs 23:13 hrs	Arrived at Rosada P.S. P.O.B. And proceeded. Arrived and dropped anchors at Common Zone (lighting area) to perform ownership matters.
16/10/2007	Tue. 23:18 hrs 02:10 hrs 13:00 hrs 21:40 hrs	Free portique and clearance for arrival granted. m/v VALIENTE turned broadside alongside to supply bunkers. m/v VALIENTE finished bunkers delivery. Electric meter was delivered on board the m/v NICHOLAS M. as per P.W. instructions.
17/10/2007	Wed. 23:30 hrs 06:30 hrs 08:15 hrs 10:33 hrs 11:00 hrs	Clearance for departure granted. m/v ING. RECCA turned broadside alongside to supply bunkers. m/v ING. RECCA finished 2nd round of bunkers delivery. P.O.B.
18/10/2007	Thu. 09:36 hrs 11:05 hrs 11:45 hrs 13:00 hrs 14:00 hrs 14:20 hrs 14:25 hrs 13:00 hrs 22:05 hrs	Proceeded to San Lorenzo. Arrived at San Lorenzo roads. NOTICE OF READINESS rendered by Master to all concerned parties. First line ashore. Made all fast at NIDERA berth. Clearance for arrival granted. Cargo holds nos. 1-2-3-4-5-6-7 inspected and approved for loading by Masters. SENASA and SCHUYTER surveyors. Prior-loading re-inspection passed. Commenced loading SRM into no. 4 hold (NIDERA proxy). SHIFT FROM 14:25 HRS TO 18:00 HRS: Hold no 4. 2.309.000 kilos SHIFT FROM 18:00 HRS TO 22:05 HRS: Overtime ordered by the charterers/shippers. Hold no 4. 2.637.000 kilos Completed loading at NIDERA berth upon filling up cargo hold no 4. Total cargo of 4.937.000 kilos of SOYA MEAL in bulk.

Agent's signature

Continue on page 2.

Master's signature

Atención Afuera Oficina

Marquía 3323 - 0° Piso - Cte. 175
 Edificio Buzón Afuera Plaza - Dique III
 Puerto Madero Cba
 (1107) Buenos Aires - República Argentina
 Phone: (+54 11) 6254.0220 (day/evening lines)

BGC Maritime S.A.

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 Web: www.bgcmaritima.com.ar
 Telex (fax number): 626320216 5
 Fax: (+54 11) 5278.4482

San Lorenzo Office

9 de Julio 340
 San Lorenzo
 (2200) Provincia de Santa Fe
 República Argentina
 Phone: (+54 3476) 433379/80





MV: NICHOLAS M		Page 2	
Flag: ST. VINCENT & GRENADINES		PORT OF SAN LORENZO	
Date	Time	Observations	
18/10/2007	Thu 22:00 hrs	P.O.B.	
18/10/2007	Fri 01:50 hrs	Un-moored from MIDRA berth.	
	12:45 hrs	Dropped anchors at San Lorenzo roads as TERMINAL 6 was occupied by the m/v WORLD SWAN.	
	14:00 hrs	The m/v WORLD SWAN un-moored from TERMINAL 6.	
20/10/2007	Sat	The m/v ALTAIR berthed at TERMINAL 6.	
21/10/2007	Sun 02:20 hrs	Berth occupied by m/v ALTAIR.	
	02:40 hrs	P.O.B.	
	02:50 hrs	Commenced heaving port and starboard anchors.	
	03:00 hrs	The m/v ALTAIR un-moored from TERMINAL 6.	
	04:30 hrs	Stopped heaving port anchor; starboard anchor motor stopped by itself.	
	05:00 hrs	After checking the starboard windlass motor it was found to be burnt.	
	05:15 hrs	Master informed vessel was not in conditions to proceed alongside as the starboard windlass motor was out of order.	
	05:15 hrs	Pilot off.	
22/10/2007	Mon 10:20 hrs	The m/v NAVISION LOGGER berthed at TERMINAL 6.	
	12:30 hrs	The m/v NAVISION LOGGER un-moored from TERMINAL 6.	
	13:10 hrs	The m/v BROADGATE berthed at TERMINAL 6.	
23/10/2007	Tue 07:15 hrs	The m/v BROADGATE un-moored from TERMINAL 6.	
	08:00 hrs	The m/v CANOPUS berthed at TERMINAL 6.	
	23:10 hrs	The m/v CANOPUS un-moored from TERMINAL 6.	
24/10/2007	Wed 01:00 hrs	The m/v CALYPSO N berthed at TERMINAL 6.	
	10:40 hrs	The m/v CALYPSO N un-moored from TERMINAL 6.	
	12:25 hrs	The m/v SITUS STAR berthed at TERMINAL 6.	
25/10/2007	Thu 01:00 hrs	The m/v SITUS STAR un-moored from TERMINAL 6.	
	02:45 hrs	The m/v SPEEDY FALCON berthed at TERMINAL 6.	
25/10/2007	Fri 09:00 hrs	Berth occupied by the m/v SPEEDY FALCON.	
27/10/2007	Sat 09:00 hrs	Master informed vessel's starboard windlass was repaired and therefore vessel in good conditions to proceed alongside when instructed.	
		Since the m/v SPEEDY FALCON undergoes de-fuelinging problems this being uncertain the completion time at TERMINAL 6-NORTH BERTH as the m/v NICHOLAS M re-scheduled for VICENTIN berth that was occupied by the m/v CLIPPER KITTY.	
28/10/2007	Sun 09:06 hrs	P.O.B.	
	10:40 hrs	Weighted anchors.	
	12:05 hrs	Dropped anchors back at SAN LORENZO roads due to main engine problems.	
	13:00 hrs	The m/v CLIPPER KITTY un-moored from VICENTIN berth.	
	13:25 hrs	Weighted anchors and proceeded to berth after solving main engine problem.	
	15:12 hrs	First line ashore.	

Agent's signature

Continue on page 3.

Master's signature

Buenos Aires Office

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 Entada Buenos Aires Plaza - Dequill
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 (1107) Buenos Aires - República Argentina
 Phone: (+54 11) 6284-3080 (Revolving line)

BGM Maritime S.A.

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San Lorenzo Office

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 República Argentina
 Phone: (+54 3475) 45237880





NAV: NICHOLAS M			Page 3
Flag: ST. VINCENT & GRENADINES			PORT OF SAN LORENZO
Date	Time	Observations	
28/10/2007	Sun 15:30 hrs	Made all fast at VICENTIN berth.	
	16:15 hrs	Cargo holds re-inspected.	
	16:20 hrs	Commenced loading VICENTIN cargo by two gangs.	
		SHIFT FROM 16:20 HRS TO 18:00 HRS:	
		Crew time ordered by the charterer.	
		Hold no 2 1,489,000 kilos	
		Hold no 6 1,000,000 kilos	
		Total cargo loaded 2,639,000 kilos	
		SHIFT FROM 18:00 HRS TO 22:00 HRS:	
		Overtime ordered by the charterer.	
		Hold no 2 4,529,000 kilos	
		Hold no 6 1,132,000 kilos	
		Total cargo loaded 5,661,000 kilos	
	22:00 hrs	Completed loading at VICENTIN berth with a total cargo of 7,700,000 kilos of SOYA MEAL in bags.	
	22:30 hrs	P.O.B.	
	22:44 hrs	Un-moored from VICENTIN berth.	
29/10/2007	Mun 00:05 hrs	Dropped anchors at SAN LORENZO roads at TERMINAL 6 - NORTH BERTH was occupied by the mv STOLT INTENSITY.	
		P.O.B.	
	14:48 hrs	The mv STOLT INTENSITY un-moored from TERMINAL 6.	
	15:05 hrs	mv NICHOLAS M. weighed anchors and proceeded to berth.	
	16:05 hrs	First line ashore.	
	16:50 hrs	Made all fast at TERMINAL 6 - NORTH BERTH.	
	17:20 hrs	Cargo holds re-inspected.	
	17:35 hrs	Commenced loading by two gangs.	
		SHIFT FROM 17:35 HRS TO 18:00 HRS:	
		Hold no 3 100,000 kilos	
		Hold no 5 150,000 kilos	
		Total cargo loaded 250,000 kilos	
		SHIFT FROM 18:00 HRS TO 24:00 HRS:	
		Overtime ordered by the charterer.	
		Hold no 1 300,000 kilos	
		Hold no 3 3,412,000 kilos	
		Hold no 5 3,371,000 kilos	
		Hold no 7 950,000 kilos	
		Total cargo loaded 5,373,000 kilos	
		SHIFT FROM 00:00 HRS TO 06:00 HRS:	
		Overtime ordered by the charterer.	
		Hold no 1 2,144,000 kilos	
		Hold no 3 97,000 kilos	
		Hold no 5 69,000 kilos	
		Hold no 6 2,345,000 kilos	
		Hold no 7 1,050,000 kilos	
		Total cargo loaded 5,705,000 kilos	
30/00/2007	Tue 05:00 hrs		

Agent's signature

Continue on page 4.

Master's signature

Buenos Aires Office

Marítima 88901 323 - 8º Piso - C/A 173
 Edificio Buenos Aires Plaza - Ciudad de
 Puerto Madero, Eze
 (1107) Buenos Aires - República Argentina
 Phone: (+54 11) 2254.0050 (Revolutip lines)

B&G Maritime S.A.

E-mail: oper@maritime.com.ar
log@maritime.com.ar
 Web: www.bgm.com.ar
 Telex (via Sweden): 62268ANDQ G
 Fax: (+54 11) 5272.9462

San Lorenzo Office

8 de Julio 34
 San Lorenzo
 (2206) Provincia de Santa Fe
 República Argentina
 Phone: (+54 3476) 4330780/9





M/V: NICHOLAS M		Page 4
Flag: ST. VINCENT & GRENADINES		PORT OF SAN LORENZO
Date	Time	Observations
10/10/2007	Tue 06:00 hrs	SHIFT FROM 06:00 HRS TO 12:00 HRS: Hold no 1 556.000 kilos Hold no 6 1.209.000 kilos Hold no 7 1.406.000 kilos Total cargo loaded 3.171.000 kilos No loading while COF was checking draft and making calculations.
	14:30/11:10 hrs	SHIFT FROM 12:00 HRS TO 12:30 HRS: Hold no 7 67.000 kilos Total cargo loaded 67.000 kilos
	12:00 hrs	P.O.B.
	12:30 hrs	Completed loading at TERMINAL 6 - NORTH BERTH with a total cargo of 17.567.000 kilos of SOYA MEAL in bulk.
	15:30 hrs	Cleared-out by Port Authorities.
	16:00 hrs	Sailed.
		Total cargo loaded at SAN LORENZO: 30.204.000 kilos of SOYA MEAL.
		Shippers:
		NIDERA S.A. 4.957.000 kilos
		VICENTIN S.A.J.C. 7.799.000 kilos
		SUNDB ARGENTINA S.A. 8.100.000 kilos
		AGD S.A. 9.067.000 kilos
		Loaded per hold:
		Hold no 1 3.200.000 kilos / FULL
		Hold no 2 5.568.000 kilos / FULL
		Hold no 3 3.609.000 kilos / FULL
		Hold no 4 4.957.000 kilos / FULL
		Hold no 5 3.739.000 kilos / FULL
		Hold no 6 5.687.000 kilos / FULL
		Hold no 7 3.473.000 kilos / FULL

MARITIMA MESA S.R.L.
As Agents Only

MARKET REMARK:
28TH OCTOBER
0500-5000 ANCHOR MOTOR INSTALLED, PROHIBIT TIDE
AND READY FOR DEPARTING.
1205-1236 - VESSEL PROPPED ANCHOR WAITING FOR
BERTH TO BE CLEARED BY OTHER VESSEL

Buenos Aires Office

Avenida Sarmiento 523 - 8° Piso - Ofc. 173
Edificio Buenos Aires Plaza - Dique 12
Puerto Madero Este
(011) 707 Buenos Aires - República Argentina
Phone: (+54 11) 5254.0082 (Revolver lines)

B&G Maritime S.A.


E-mail: opange@maritime.com.ar
b@maritime.com.ar
Web: www.bgmartime.com.ar
Telex (to Sweden): 62258AANG S
Fax (+54 11) 5275.8432

San Lorenzo Office

9 de Julio 345
San Lorenzo
(2200) Provincia de Santa Fe
República Argentina
Phone: (+54 3478) 433973190



EXHIBIT 4

1. Agents ANTEKS / ST.PETERSBURG		STANDART STATEMENT OF FACTS (short form) RECOMMENDED BY THE BALTIC AND INTERNATIONAL MARITIME CONFERENCE (BIMCO) AND THE FEDERATION OF NATIONAL ASSOCIATION OF SHIP BROKERS AND AGENTS			
2. Vessel's name m/v " NICHOLAS M. "		3. Port of Place ST.PETERSBURG / Berth # 35 and # 23			
4. Owners/ Disponent Owners SIXTEEN THIRTEEN MARINE S.A.		5. Vessel moored 01.12.07 1045		6. Loading commenced	
8. Cargo SOYBEANMEAL HIPRO IN BULK		9. Discharging commenced 03.12.07 0225		10. Discharging completed 28.12.07 1840	
13. Charter Party dated		14. Working/meal hours of the port 0800-2000; 2000-0800 working hrs 1300-1400; 0100-0200 meal hrs 0700-0800; 1900-2000 shift gangs		15.	
16. Bill of Lading quantity 30204.00 mtns		17. Outturn quantity		18. Cargo documents on board	
20. Vessel arrived at anchorage 01.12.07 0125		21. Pilot on board 01.12.07 0610		22. Draft on arrival (fore and aft) F/8,80 m A/10,38 m	
24. Notice of readiness tendered 01.12.07 0000		25. Vessel arrived from SAN LORENZO		26. Vessel sailed to	
27. Next tide available		28. Weighed anchor 01.12.07 0510		29. FIRST ROPE: 01.12.07 1000	
30. Free Pratique given 01.12.07 1300		31.			

DETAILS OF DAILY WORKING

Date	Day	Hours worked		Hours stopped		Quantity Load./dis	Remarks
		From	To	From	To		
01/12	SAT			0000	0000		E.O.S.P./N.O.R.T./Vessel arrived at pilot station
				0000	0125		Vessel anchored at p/st area
				0125	0510		Awaiting pilotage due to one way traffic at sea canal*
				0510	0610		Weighed anchor, vessel proceeds to the pilot
				0610	1000		P.O.B./ Pilotage into the port
				1000	1045		Mooring operations/two tugboats used
				1045	1100		Preparation of gangway
				1100	1145		Awaiting inward clearance due to lack of
				1145	1200		customs, immigrations officers
				1200	2400		Inward clearance by customs, immigrations and
				0000	0920		quarantines officers
02/12	SUN			0920	2000		Awaiting Customs clearance of cargo
				2000	2130		Awaiting Customs clearance of cargo
				2130	2400		Wetting in hold no.4 found. Discharge from hold
				0000	0225		No.4 prohibited by state authorities due to
				0225	0305		damaged cargo
				0305	0355		No discharging due to snow
				0355	0730		Awaiting discharging due to lack of wagons
				0730	0840		No discharging due to snow
				0840	1100		Awaiting discharging due to lack of wagons
				1100	1150		Discharging commenced
				1150	1305		No discharging/stevedores breaktime
				1305	1720		Discharging
				1720	2400		No discharging/stevedores breaktime
				0000	0515		Discharging
03/12	MON	0225	0305	0305	0355		Awaiting discharging due to lack of wagons
		0355	0730	0730	0840		Awaiting discharging due to lack of wagons
		0840	1100	1100	1150		No discharging due to snow
		1150	1305	1305	1720		No discharging due to snow
				1720	2400		Discharging
				0000	0515		No discharging due to snow
				0515	0725		Discharging
				0725	1100		No discharging due to snow
				1100	1515		Discharging
				1515	1615		No discharging/stevedores breaktime
				1615	1820		Discharging
				1820	2020		No discharging due to lack of wagons
04/12	TUE			1820	2020		

05/12	WED	2020	2210	2210	2400	Discharging
				0000	0100	No discharging due to lack of wagons
		0100	0305			No discharging due to lack of wagons
				0305	0435	Discharging
		0435	0630			No discharging/stevedores breaktime
				0630	0805	Discharging
				0805	0830	No discharging/stevedores breaktime
				0830	1225	No discharging due to rain
		1225	1520			No discharging due to lack of wagons
				1520	1630	Discharging
06/12	THU	1630	1910			No discharging/stevedores breaktime
				1910	2010	Discharging
		2010	2135			No discharging/stevedores breaktime
				2135	2400	Discharging
		0120	0300			No discharging due to lack of wagons
				0000	0120	No discharging due to lack of wagons
		0415	0520			Discharging
				0300	0415	No discharging/stevedores breaktime
				0520	1505	Discharging
				1505	1535	No discharging due to lack of wagons
07/12	FRI			1535	2000	No discharging due to rain
				2000	2330	No discharging due to lack of wagons
				2330	2400	POB/Shifting fm berth # 39 to berth # 23 / three tugs used
		1855	2015			No discharging due to lack of wagons
				0000	1855	No discharging due to lack of wagons
		2045	2330			Discharging
				2015	2045	No discharging/stevedores breaktime
				2330	2400	Discharging
				0000	0030	No discharging/stevedores breaktime
		0030	0400			No discharging/stevedores breaktime
08/12	SAT			0400	0630	Discharging
				0630	0725	No discharging due to rain
				0725	0745	No discharging/stevedores breaktime
				0745	1250	No discharging due to rain
				1250	1405	No discharging due to lack of wagons
		1405	1830			No discharging due to rain
				1830	1940	Discharging
				1940	2030	No discharging/stevedores breaktime
		2030	2400			No discharging due to rain
		0000	0010			Discharging
09/12	SUN			0010	0315	Discharging
		0315	0650			No discharging due to lack of wagons
				0650	0820	Discharging
		0820	1155			No discharging/stevedores breaktime
				1155	1400	Discharging
		1400	1815			No discharging/stevedores breaktime
				1815	2400	Discharging
		0430	0715			No discharging due to lack of wagons
				0000	0430	No discharging due to lack of wagons
		0820	1225			Discharging
10/12	MON			0715	0820	No discharging/stevedores breaktime
		1415	1925			Discharging
				1225	1415	No discharging/stevedores breaktime
		2020	2305			Discharging
				1925	2020	No discharging/stevedores breaktime
				2305	2400	Discharging
				0000	0140	No discharging due to rain
				0140	0810	No discharging due to rain
				0810	2130	No discharging due to lack of wagons
				2130	2400	No discharging due to rain
11/12	TUE			0000	2400	No discharging due to lack of wagons
				0000	2400	No discharging due to lack of wagons
				0000	0010	No discharging due to lack of wagons
				0010	0950	No discharging due to lack of wagons
		0950	1230			No discharging due to snow
				1230	1405	Discharging
						No discharging/stevedores breaktime
12/12	WED					
13/12	THU					

14/12	FRI	1405	1905	1905	2020	Discharging
		2020	2200	2200	2400	No discharging/stevedores breaktime
				0000	0200	Discharging
		0200	0650	0650	0920	No discharging/stevedores breaktime
		0920	1150	1150	1405	Discharging
		1405	1900	1900	2040	No discharging/stevedores breaktime
15/12	SAT	2040	2140	2140	2400	Discharging
				0000	0215	No discharging/stevedores breaktime
		0215	0415	0415	0440	Discharging
		0440	0730	0730	0840	No discharging/stevedores breaktime
					1100	Discharging
					1147	No discharging/stevedores breaktime
16/12	SUN	0840	1245	1245	1405	Trucks arrived to take damaged cargo from hold 4
					1525	No discharge from hold 4 because SGS inspector
					1930	was not allowed by Master to access the hold
						to take samples and supervise segregation.
						Completed discharging ex hold 1, discharging in
						progress from hold 6 only
17/12	MON	1405	1845	1845	2030	Discharging
		2030	2400		0000	No discharging/stevedores breaktime
						Discharging
		0000	0025	0025	0225	During the whole Sunday no discharging ex holds
		0225	0400	0400	0420	2 and 4 due to prohibition of state authorities to
		0420	0700	0700	0840	discharge cargo from holds with damaged cargo,
17/12	MON	0840	1035	1035	1735	discharging ex hold 6 only with one gang
		1735	1915	1915	2020	Discharging (from hold 6 only, 2 and 4 prohibited)
		2020	2400		0000	No discharging/stevedores breaktime
						Discharging (from hold 6 only, 2 and 4 prohibited)
		0000	0025	0025	0215	No discharging/stevedores breaktime
		0215	0255	0255	0600	Discharging (from hold 6 only, 2 and 4 prohibited)
17/12	MON	0600	0710	0710	0900	No discharging due to lack of wagons
		0900	1050	1050	1230	Discharging (except h. 2, 4, which are prohibited)
		1230	1515	1515	1635	No discharging/stevedores breaktime
						Discharging (except h. 2, 4, which are prohibited)
						No discharging due to lack of wagons
						Discharging (except h. 2, 4, which are prohibited)

18/12	TUE	1635	1925	1925	2400	Discharging (except h. 2, 4, which are prohibited) No discharging due to lack of wagons During the whole Tuesday no discharging ex holds 2 and 4 due to prohibition of state authorities to discharge cargo from holds with damaged cargo, discharging ex hold 6 only with one gang
				2400	0000	
		0240	0655	0000	0240	No discharging due to lack of wagons
				0655	0900	Discharging (except h. 2, 4, which are prohibited)
		0900	0955			No discharging/stevedores breaktime
				0955	1215	Discharging (except h. 2, 4, which are prohibited)
		1215	1240			No discharging due to lack of wagons
				1240	1425	Discharging (except h. 2, 4, which are prohibited)
		1425	1840			No discharging/stevedores breaktime
				1840	2225	Discharging (except h. 2, 4, which are prohibited)
19/12	WED				2000	No discharging/stevedores breaktime
				2020	2210	Trucks arrived to take damaged cargo from Hold 2 and 4
					2210	No discharging from holds 2 and 4 because SGS inspector was not allowed by Master to access the holds to supervise segregation
		2220	2310			Permission granted by the Master to SGS inspector to access the holds to take samples and supervise segregation
		2310	2400			Discharging damaged cargo ex hold 2 into trucks
		0000	0030			Discharging damaged cargo ex hold 4 into trucks
				0030	0215	Discharging damaged cargo ex hold 4 into trucks and discharging ex hold 6
		0215	0300			No discharging/stevedores breaktime
				0300	0450	Discharging damaged cargo ex hold 4 into trucks (only utilization allowed)
		0450	0613			and discharging ex hold 6
20/12	THU			0613	0613	No discharging due to lack of wagons
					2400	Discharging ex hold 6
		1435	1510			Completed discharging ex hold 6
		2225	2320			No discharging ex holds 2 and 4 due to prohibition of state authorities to discharge cargo from holds with damaged cargo,
		2345	2350			Discharging damaged cargo ex hold 4
				0000	0355	Awaiting trucks for discharging damaged cargo
						Discharging damaged cargo from hold no.4
						Discharging damaged cargo from hold no.2
						No discharging ex holds 2 and 4 due to prohibition of state authorities to discharge cargo from holds with damaged cargo
						Discharging damaged cargo from hold no.2, only discharging of damaged cargo into trucks allowed
21/12	FRI			0410	1620	No discharging due to prohibition of state authorities to discharge cargo from holds with damaged cargo
		0355	0410			Discharging damaged cargo from hold no.2, only discharging of damaged cargo into trucks allowed
		1620	1710			Received permission from state grain control for discharging hold no.2
				2100	2100	No discharging due to lack of wagons
					2400	No discharging ex hold 4 due to prohibition of state authorities to discharge cargo from hold with damaged cargo. Discharging ex hold 2 only with one gang
					0000	No discharging due to lack of wagons
		0215	0300			Discharging damaged cargo from hold no.4, only discharging of damaged cargo into trucks allowed
		0320	0400	0300	0320	No discharging due to lack of wagons
						Discharging

22/12	SAT	0830	1840	0400	0830	No discharging due to rain
		1220	1235	1040	1220	Discharging
		1420	1430	1235	1420	No discharging/stevedores breaktime
		1555	1935	1430	1555	Discharging damaged cargo from hold no.4, only
		2050	2235	1935	2050	discharging of damaged cargo into trucks allowed
		2305	2325	2235	2400	No discharging/stevedores breaktime
						Discharging
						No discharging/stevedores breaktime
						Discharging
						No discharging due to lack of wagons
						Discharging damaged cargo from hold no.4, only
						discharging of damaged cargo into trucks allowed
						No discharging ex hold 4 due to prohibition of
						state authorities to discharge cargo from hold
23/12	SUN			0000	0345	with damaged cargo. Discharging ex hold 2 only
		0325	0340			with one gang
		0340	0415			No discharging due to lack of wagons
		0415	0430			Discharging damaged cargo from hold no.4, only
		0430	0650	0650	0815	discharging of damaged cargo into trucks allowed
		0815	1145			Discharging
		1410	1630	1145	1410	No discharging/stevedores breaktime
						Discharging
						No discharging/stevedores breaktime
						Discharging
						Received permission from state grain control
						for discharging hold no.4
				1630	2400	No discharging due to lack of wagons
				0000	0500	No discharging due to lack of wagons
24/12	MON	0500	0715	0715	0830	Discharging
		0830	1530	1630	2400	No discharging/stevedores breaktime
		0330	0705	0000	0330	Discharging
		1700	1910	0705	1510	No discharging due to rain
		2010	2400	1510	1700	No discharging due to rain
		0000	0035	1910	2010	Discharging
		0215	0635			No discharging/stevedores breaktime
		1130	1240	0635	1130	Discharging
		1415	1620	1240	1415	No discharging due to rain
		1805	1900	1620	1805	No discharging due to rain
		2100	2400	1900	2100	Discharging
		0000	0030			No discharging due to snow
		0240	0625	0030	0240	Discharging
		0940	1225	0625	0940	No discharging/stevedores breaktime
26/12	WED	1415	1930	1225	1415	Discharging
		2020	2400	1930	2020	No discharging/stevedores breaktime
		0000	0020			Discharging
						Discharging
						No discharging/stevedores breaktime
						Discharging
						No discharging due to snow
						Discharging
						No discharging/stevedores breaktime
						Discharging
						No discharging/stevedores breaktime
						Discharging
						No discharging/stevedores breaktime
						Discharging
						No discharging/stevedores breaktime
27/12	THU			0020	0215	Discharging
						No discharging/stevedores breaktime

28/12	FRI	0215	0450			Discharging
		0550	0630	0450	0550	No discharging due to lack of wagons
				0630	0845	Discharging
		0845	1240			No discharging/stevedores breaktime
				1240	1415	Discharging
		1415	1855			No discharging/stevedores breaktime
				1855	2245	Discharging
		2215	2400			No discharging/stevedores breaktime
						Discharging
		0000	0010			Cargo Ship Safety Construction certificate and Class Certificate were withdrawn by BV Inspector
				0010	0215	Discharging
		0215	0735			No discharging/stevedores breaktime
				0735	0850	Discharging
		1045	1120	0850	1045	No discharging/stevedores breaktime
				1120	1405	No discharging due to snow
		1405	1840			Discharging
	1840			No discharging due to snow		
				Discharging		
				Discharging completed.		
				Vessel can not sail due to metal hinges hold no.6 torn out from base , hatch cover not closed and without ship's certificates		
			2000	SGS surveyor was denied performance of ultra sonic test		
** Signed on behalf of Congentra AG as time-charterers and Euroweg Zerno 000 as cargo receivers without prejudice and under reservation of all their rights						
For the avoidance of doubt, Euroweg Zerno 000 and/or Congentra AG disagree with all of the Master's remarks in the Statement of Facts. Accordingly, in signing this Statement of Facts on their behalf, we do so strictly under reservation of all their rights and on a without prejudice basis.						
General Remark *According to sailing rules of Port of St.Petersburg there is one way traffic for liner, passenger and/or for vessels with length more than 155 mtrs						
Place and date			Name and signature (Master)			
St.Petersburg						
Name and signature (Agents) **						
ANTEKS / Alexander Konyukhov						

EXHIBIT 5

FORM A1



REPORT OF INSPECTION IN ACCORDANCE WITH THE PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL *)

Federal Maritime Administration
Rozhdestvenka St., 1/1
109012 Moscow, Russian Federation
+7 095 926 1000, +7 095 926 1311
memorand@pmu.ru

copy to: - master
- head office
- PSCO

if ship is detained, copy to:

- flag State
- recognised organisation, if applicable

SHIP PARTICULARS

1. Name of ship: NICHOLAS M 2. Flag of ship: ST. VINCENT & GRENADINES
3. Type of ship: BULKER 4. Call sign: J8R2680
5. IMO number: 7433452 6. Gross tonnage: 221912
7. Date keel laid / major conversion commenced: 1972
8. Deadweight (where applicable):

9a. Classification society (ies) responsible for issuance of class certificates:

BV WITHDRAWN 28.12.07

9b. Classification society (ies) responsible for issuance of certificates on behalf of the flag State:

BV, INSR

10. Full particulars of company (identical to particulars as in the ISM Doc. **):

CHIAN SPIRIT MARITIME ENTERPRISES INC.
125 KOLAKOTRONI STR., 18535 PIRAEUS, GREECE

11. Name & address of charterer: (Only ships carrying liquid or solid cargoes in bulk, pref. 1st charter record.)

☐ Demise Charter ☒ Time Charter ☐ Voyage Charter ☐ Not applicable
☐ First Charterer ☐ Last Charterer ☐ Not available

CONCENTRA AG
ZUGM, SWITZERLAND

12. Name and signature of master to certify that the information under 11 is correct:

Name: AMADO C. APILADO

Signature: [Signature]

INSPECTION PARTICULARS **)

13. Date of first boarding: 29.12.07 13b. Date of final report: 11.01.2008

14. Place of inspection: St. Petersburg

15. If vessel is detained, date of issue of detention notice: 29.12.07

16. Type of inspection: ☐ Initial inspection ☒ More detailed inspection ☐ Expanded inspection
☐ Follow-up inspection ☐ Follow-up detention ☐ (C)I.C.
☐ Operational control

17. Operational controls (if any):

☐ Abandon Ship ☐ Fire drill ☒ Oil/Water Sep. tested
☒ Emerg. Fire Pump ☒ Emergency Generator ☒ Emergency Steering
☒ Communication eq. ☒ Damage control ☒ Other SSLR ENGINE
BLACKOUT

18. Areas inspected:

☒ Navigation Bridge ☒ Cargo hold(s) / tank(s) ☐ Ballast tank(s)
☒ Accommodation / Galley ☒ Steering gear room / Engine room
☒ Decks / Po' Deck ☐ Passenger spaces ☐ Car deck

*) This inspection report has been issued solely for the purpose of informing the master and other port States that an inspection by the port State, mentioned in the heading, has taken place.

This inspection report cannot be construed as a seaworthiness certificate in excess of the certificates the ship is required to carry.

**) Non-ISM ships: Master to supply and sign under 12, for correct full particulars of company

***) Masters, Shipowners and/or Operators are advised that detailed information on the inspection may be subject to publication (www.parispmu.org)

Name of ship NICHOLAS MIMO number 7433452

19. Relevant certificate(s):

a) title	b) issuing authority	c) dates of issue and expiry
1. Cargo Ship Safety Equipment	<u>BV</u>	<u>13.05.07 12.01.08</u>
2. Cargo Ship Safety Construction	<u>BV</u>	<u>13.05.07 12.01.08</u>
3. Passenger Ship Safety	<u>INSB</u>	<u>04.12.07 03.05.08</u>
4. Cargo Ship Safety Radio	<u>INSB</u>	<u>04.12.07 03.05.08</u>
5. Document of Compliance	<u>BV</u>	<u>13.05.07 31.03.10</u>
6. Safety Management Certificate	<u>BV</u>	<u>13.05.07 31.03.10</u>
7. Load Line	<u>INSB</u>	<u>04.12.07 03.05.08</u>
8. Prevention of Pollution by Oil	<u>INSB</u>	<u>04.12.07 03.05.08</u>
9. Safe Manning Document	<u>INSB</u>	<u>04.12.07 03.05.08</u>
10. Ship Security	<u>INSB</u>	<u>04.12.07 03.05.08</u>
11. Tonnage	<u>INSB</u>	<u>04.12.07 03.05.08</u>
12. Class	<u>INSB</u>	<u>04.12.07 03.05.08</u>

d) information on last intermediate or annual survey

	date of survey	surveying authority	port / country
1. Cargo Ship Safety Equipment			
2. Cargo Ship Safety Construction			
3. Passenger Ship Safety			
4. Cargo Ship Safety Radio			
5. Document of Compliance			
6. Safety Management Certificate	<u>21.06.07</u>	<u>BV RIO GRANDE / BRAZIL</u>	
7. Load Line	<u>21.06.07</u>	<u>BV RIO GRANDE / BRAZIL</u>	
8. Prevention of Pollution by Oil			
9. Safe Manning Document			
10. Ship Security			
11. Tonnage			
12. Class			

20. Ship related inspection action taken:

- ☒ Flag State informed ☒ Class informed ☐ Next port informed
☐ All deficiencies rectified ☐ Inspection suspended ☒ Overriding priority inspection
☒ Ship detained ☐ Repair port to re-detain ☐ Next port to re-detain
☐ Ship allowed to sail after detention ☐ Ship allowed to sail after re-detention
☐ MARPOL investigation ☐ Ship banned ☐ Ship expelled

21. Deficiencies:

☐ No☒ Yes (see attached FORM B) 5 pages

22. Supporting documentation:

☒ No☐ Yes (see annex)

PORT STATE PARTICULARS

District office:

St. Petersburg

Address:

10, Ganselskaya Street, 196035 St. Petersburg, Russia

Telephone:

(812) 327 4194

Telefax:

(812) 327 4019

E-mail:

mouspb@mail.pasp.ru

Name (duly authorized PSCO of reporting authority):

N. S. TYURKOV, M. SHELUGOV

Signature:

This report must be retained on board for a period of at least two years and must be readily available for consultation by Port State Control Officers at all times.



FORM B

REPORT OF INSPECTOR IN ACCORDANCE WITH THE PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

Federal Maritime Administration
Rozhdestvensky St. 1/1
109012 Moscow, Russian Federation
+7 093 926 1000, +7 093 926 1311
mcomarind@fma.ru

copy to: - master
- head office
- PSCO

if ship is detained, copy to: - flag State
- recognised organisation, if applicable

1. Name of ship: MICHELLEAS M 2. IMO number: 7432452 3. Date of final report: 11.01.08 4. Place of inspection: St. Petersburg

DEFICIENCIES FOUND AND POTENTIAL ACTIONS

Group code	Deficiency	Nature of deficiency	Convention ref.	Action taken	Additional comments	Class resp.
0001	CARBAID SHIP	WITHDRAWN			17/10 BY BV AS PER NOTIFICATION	
	SAFETY CONSTRUCTION				DATED 28.12.07	
0199	CERTIFICATES	WITHDRAWN			17/10 CLASS CERTIFICATE	
					WITHDRAWN BY BV	
					AS PER NOTIFICATION	
2705	SECURITY	NOT AS			DATED 28.12.07	
	RELATED DEFECTS	REQUIRING			NOT ALL VISITORS IDENTIFIED	
0956	GANGWAYS	UNSAFE			17/10 LOWER PLATFORM	
0230	MANNING	MISSING			17/10 2ND OFFICER MISSING	
	SPECIFIED BY					
	MINIMUM SAFE					
	MANNING DOC					
0660	LIFE JACKETS	NOT AS			17/10 LIGHTS NOT FIXED PROPERLY	
		REQUIRED				

Name (duly authorized PSCO of reporting authority): N. STUPAKOV, M. SHCHERBENKO Signature



***) Master, Shipowner and/or Operator are advised that detailed information on the inspection may be subject to publication (www.farmona.org)

*) This inspection was a full survey and deficiencies listed may not be exhaustive. In the event of a detention, it is recommended that a full survey is carried out and all deficiencies are corrected before an application for release is made.

*) To be completed in the event of a detention (for high-convention ships <300 GT for reference only)

*) See reverse side of form B for full labels.

REPORT OF INSPECTION IN ACCORDANCE WITH THE PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

FORM B



Federal Maritime Administration
Rozhdesvenskaya St., 1/1
109012 Moscow, Russian Federation
+7 095 926 1000, +7 095 926 1311
info@fma.ru

copy for: -master
-1400 office
-PSCO

If ship is detained, verify for: -Flag State
-recognised organisation, if applicable

1. Name of ship: NICKOLAS 2. IMO number: 7433452 3. Date of final report: 11.01.08 4. Place of inspection: St. Petersburg

5. Additional comments: 17/10 MDO PURIFIER, 10 PURIFIER, ME, AE

DEFICIENCIES FOUND AND FOLLOW UP ACTIONS ***

Group code	Defective item	Nature of deficiency	Consequence (ref.)	Action taken	Class (ref.)
1470	INSULATION	INSUFFICIENT			
	VENTED THROUGH (OIL)				
1420	CLEANLINESS	INSUFFICIENT			
	OF ER				
0520	LIGHTING	INCOMPLETE			
0441	VENTILATION	DIRECT FILTERS			
0533	OBSTRUCTION	UNSAFE			
0543	STEAM PIPES	UNSAFE			
	AND PRESSURE				
	PIPES				
0533	OBSTRUCTION	UNSAFE			
	SLEEPING				
0945	SIGNS, INDICATIONS	NOT AS REQUIRED			

Name (fully authorized PSCO or reporting authority): M. SYLBERMAN, M. SKELLYN Signature: [Signature]

*** Masters, Shipowners and Operators are advised that detailed information on the inspection day beyond what is published (www.maritime.org)

1) This inspection was not a full survey and the results stated may not be exhaustive. In this respect, a full survey is carried out and all deficiencies are rectified before an application for re-inspection is made.

2) To be completed in the event of a detention (for non-convention ships <500 GT for reference only)

3) See reverse side of form B for full details.

FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH THE PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

Federal Maritime Administration
 Pozhdestvenka St., 1/1
 109012 Moscow, Russian Federation
 +7 (493) 926 1000, +7 (495) 926 1311
 memorandum@fma.ru

copy to: - RUSKIN
 - head office
 - PSC33

If ship is detained, copy to: - Flag State
 - recognised organisation, if applicable

1. Name of ship: **NICOLAS M** 2. IMO number: **2433452** 3. Date of final report: **11.01.08** 4. Place of inspection: **St. Petersburg**

DEFICIENCIES FOUND AND REMEDIAL ACTIONS

Group code	Deficiency item	Nature of deficiency	Concluded by	Actual taken	Additional comments	Class resp.
0730	FIRE FIGHTING	NOT AS	17/10	17/10	FIRE EXTINGUISHER IN ER -	<input type="checkbox"/>
	EQUIPMENT AND REQUIRED				NOZZLE MISSING, FIRE	<input type="checkbox"/>
	APPLIANCES				BOXES DAMAGED AND HOLED	<input type="checkbox"/>
1399	MORUING	OTHER	17/10	17/10	SOME RAY GUARDS	<input type="checkbox"/>
					MISSING	<input type="checkbox"/>
1399	MORUING	OTHER	17/10	17/10	SOME FAIRLEADS FORE AND	<input type="checkbox"/>
					AFT SEIZED	<input type="checkbox"/>
0985	BULKHEAD -	HOLED	27/10/07	27/10/07	REMOVED FROM MAIN	<input type="checkbox"/>
	CORROSION		27/10/07	27/10/07	DECK TO STORE ROOM	<input type="checkbox"/>
					P/S HOLED	<input type="checkbox"/>
0985	BULKHEAD -	HOLED	27/10/07	30/11	LEAKAGE FROM BILGE	<input type="checkbox"/>
	CORROSION				CONCRETE TANK #9	<input type="checkbox"/>
					(MAX CAPACITY 37.8 CUBM)	<input type="checkbox"/>
					INVER ER	<input type="checkbox"/>
1570	NAVIGATIONAL PUBLICATION	NOT UP TO DATE	17/10	17/10	LAST NM DAIRYARD (22.10.07)	<input type="checkbox"/>

Navlo (duly authorized PSC) or reporting authority: **A. STUPAKOV, M. STELLENBOM** Signature: *[Signature]*

***) Masters, Shipowners and/or Operators are advised that detailed information on the inspection may be subject to publication (www.pscmonitor.org). This publication was not a full survey and it is recommended that a full survey is carried out and all deficiencies are rectified before an application for re-inspection is made.

*) To be completed in the event of a detention (for non-convention ships <500 GT for reference only)
 *) See reverse side of form B for full table.

3/5

FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH THE PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

Federal Maritime Administration
Ruzdetskaya St. 1/1
109012 Moscow, Russian Federation
+7 095 926 1000, +7 095 926 1311
mact@fma.ru

copy to: - master
- port office
- PSC/O

if ship is detained, copy to: - flag State
- recognised organisation, if applicable

1. Name of ship: NICKOLAS M 2. IMO number: 7433352 3. Date of final report: 11.01.08 4. Place of inspection: St. Petersburg

Group code	Defective item	Nature of deficiency	Conviction ref. no.	Additional comments	Class resp.
1240	CARGO HATCHWAYS DAMAGED	DEFICIENCIES FOUND: ANIMATED SYSTEMS	30/10	FROM BASE (HOLD No. 6)	
1240	CARGO HATCHWAYS CORRODED		17/10	DUE TO DAMAGE OF HYDRAULIC SYSTEM	
				HEATING COVERS, COAMINGS, COMPRESSION BARS ETC. OF ALL THE HELDS	
				HEAVILY CORRODED AND SHOULD BE PROPERLY INSPECTED AND REPAIRED	
2545	REPORTS OF NON-CONFORMITY, SMS ACCIDENTS & HAZARDOUS OCCUR	NOT ACCORDING S. 7.1.5.1/RMC 19/18		UNDER CLASS SUPERVISION FROM AUTHORITIES, CLASS SOCIETY AND PORT AUTHORITIES NOT INFORMED REGARDING ACCIDENTS OCCURRED	

Name (fully authorized PSCO of reporting authority) M. SUDAKOV, M. SHELYAGOV Signatory

1) Masters, Shipowners and/or Operators are advised that detailed information on the inspection may be subject to publication (www.pscnet.org)

2) This inspection was not a full survey and deficiencies listed may not be exhaustive. In the event of question, it is recommended that a full survey is carried out and all deficiencies are reported for application for re-inspection is made.

3) To be completed in the event of a detention (for non-detection ships <500 GT for reference only)

4) See reverse side of form B for full details.



FORM 1

REPORT OF INSPECTION IN ACCORDANCE WITH THE PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

Federal Maritime Administration
 Rozhnodrevnaya St., 1/1
 109012 Moscow, Russian Federation
 +7 095 926 1000, +7 095 926 1311
 mmaradm@psn.ru

copy to: - master
 - field office
 - PSCO

if ship is detained, copy to: - flag State
 - recognized organization, if applicable

S/S

1. Name of ship: M. N. CROCODILE 2. IMO number: 7433452 3. Date of final report: 11.01.08 4. Place of inspection: St. Petersburg

DEFICIENCIES FOUND AND FOLLOW UP ACTIONS

Group code	Defective item	Name of deficiency	Convention ref.	Action taken	Additional comments	Class resp.
0625	EMBARKED	LACK OF		17/10	3RD OFFICER CAN'T	
	TRAINING AND	TRAINING			INDICATE TYPE OF	
	INSTRUCTION				IMMERSION SUIT	
1623	MF/HF RADIO	NOT AS		17/10	NO EVIDENCE OF MF/HF	
	INSTALLATION	REQUIRED			DSC EXTERNAL TEST /	
					WORKING CONDITION	
2000	MUSTER LIST	INCOMPLETE		17/10	CAN'T BE TESTED	
					AND CORRECTION DUE TO	
					2ND OFFICER ABSENCE	
					FOR MORE THAN 7 DAYS	
1550	LIGHTS SHAPES, IMPERATIVE			17/10	(CREW CHANGE)	
	SOUND SIGNALS				P/S NAVIGATION LIGHT	
					UNLIT, SVERN SUBSTITUTE	
2011	OPERATION OF LACK OF			17/10	LIGHT UNLIT	
	GNDS EQUIPMENT FAMILIARITY				10 LONG PERIOD (30 MIN) OF TEST	
					BY CHIEF OFF. WITH 100 RESULT	

Name (duty authorized PSCO of reporting authority) M. SHEKHUNOV Signature [Signature]

Master, Supervisors and/or Operators are advised that detailed information on the inspection may be subject to publication (www.parisforum.org)

This inspection was not a full survey and the results listed may not be exhaustive. In the event of a detention, it is recommended that a full survey is carried out and all deficiencies are rectified before application for re-inspection is made.

To be completed in the event of a detention (for non-convention ships <500 GT for references only).

See reverse side of form B for full details.

CALC PSC FOR REMSPECTION BEFORE DEPARTURE

M/V NICHOLAS M.

910W76

St. PETERSBURG

28/12/2007

NOTIFICATION

DUE TO THE PROBLEM WITH CLOSING OF AFT
MATCH COVER OF CARGO HOLD N. 6 AND
IMPOSSIBILITY TO REPAIR PRIOR SHIPS
DEPARTURE, CERTIFICATE OF CLASSIFICATION
NR. LPRO/KTS/2005-1074115530 HAS BEEN
TEMPORARILY WITHDRAWN AS WELL AS
CARGO SHIP SAFETY CONSTRUCTION
CERTIFICATE NR. LPRO/KTS/2005-1073182942



EVGENY ZAVYALOV
SURVEYOR TO BUREAU VERITAS



MASTER OF
M/V NICHOLAS M.



St.Petersburg Office

11/01/2008

Nr. LNGO/2007/J0100/hull

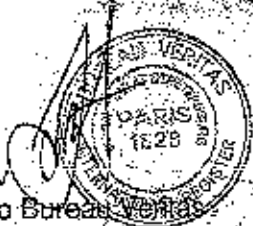
m/v NICHOLAS M

BV # 910W76

St.Petersburg, RF

**LIST OF RECOMMENDATIONS FURTHER TO DETENTION AND SURVEY
- TO BE DEALT WITH AT COMING DRY DOCK / INTERMEDIATE
SURVEY OF HULL, LATEST 31 MARCH 2008.**

1. Overall inspection of hatch covers and coamings of all cargo holds has been carried out. Temporary repair of hatch covers presently carried out. Damaged foundation in way of hydraulic cylinders PS/SB of cargo hold Nr.6 presently definitely repaired by workshop. Hatch covers of cargo hold Nr.6 tested in operation with satisfactory results. Definitive repair of hatch covers to be performed as per the results of ultrasonic thickness measurements required by BV Rules in force.
2. Leakage of hydraulic cylinders at cargo holds to be eliminated. Leaking hydraulic cylinders to be replaced.
3. Upon completion of definitive repair of hatch covers, a complete tightness test of all hatch covers to be performed in presence of BV surveyor.
4. Bilge water tank Nr.9 presently temporarily repaired by divers (coupler installed on the bottom plating. Cement box installed from the internal side of the tank). Definitive repair to be performed.
5. Bulkhead between main deck and crew dressing room temporarily repaired by insert. Permanent access to the space between main deck and crew dressing room to be provided. Definitive repair of the bulkhead to be performed.
6. Australian ladders in the cargo holds Nr. 2,4,6 to be repaired.



E.Zavyalov

Surveyor to Bureau Veritas

Master of m/v NICHOLAS M

Postal address:
CJSC "Bureau Veritas Rus"
nab. zaki Fontanki, d. 130A
190005 St. Petersburg
Russia

Contacts:
Phone: +7 (812) 324 7124
Fax: +7 (812) 324 7125
E-mail: bv@bureauveritas.ru
Http://www.bureauveritas.ru

**PORT STATE CONTROL
NOTICE OF DETENTION FOR THE MASTER**

No.

The undersigned:
Harbour Master of the port of St. Petersburg, duly authorized by the Maritime
Administration of the Russian Federation, herewith notifies you that:

the ship: <u>NICHOLAS M</u>	call sign: <u>Y8B 2680</u>
IMO number: <u>7433452</u>	gross tonnage: <u>22912</u>
port of registry: <u>KINISTOWN</u>	flag state: <u>St. VINCENT & GRENADINES</u>
type of ship: <u>BULK CARRIER</u>	date on which keel was laid: <u>1977</u>
owner: <u>CHIAN SPIRIT MARITIME ENTERPRISES INC.</u>	master: <u>AMADO C. ADILADO</u>
agents: <u>"ANTEKS"</u>	classification society: <u>BV (WITHDRAWN)</u>
berthed at: <u>BERTH NR. 23</u>	

has been detained in accordance with the provisions of Section 3 of Paris Memorandum of Understanding on Port State Control and Article 80 of the Merchant Shipping Code of the Russian Federation,

on account of:

- ☒ one or more of the criteria for detention set out in Section 9 of Paris Memorandum on Port State Control;
- ☐ crew members being unable to provide proof of professional proficiency for the duties assigned to them as specified in the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978/95, as amended;
- ☐ master or crew unable to comply with operational requirements as contained in the Conventions mentioned in Section 2 of Paris Memorandum on Port State Control;
- ☐ other deficiencies which, individually or together, are clearly hazardous to safety, health or environment;
- ☐ the fact that the Port State Control Officer was obstructed in the execution of his duties.

For further details see the Report of Inspection, forms A and B enclosed to this Notice for the Master.

On account of the above it is prohibited to shift the ship to another berth without the prior consent of the Harbour Master, or to proceed to sea without a proper Notice of Release of ship from detention.

Place: Port of St. Petersburg

Date: DECEMBER 29, 2007

Time: 15.30 LT

The above mentioned Harbour Master:


HEAD OF ST. PETERSBURG PSC/PSC
Capt. ALEXANDE G. KARPENKO

PORT STATE CONTROL
NOTICE OF RELEASE OF SHIP FROM DETENTION FOR THE MASTER

No.

NICHOLAS M. ST. VINCENT Release of ship from detention
[Ship's name, flag, IMO No.]

The undersigned:

Harbour Master of the port of ST. PETERSBURG duly authorized by the Maritime
Administration of the Russian Federation, herewith notifies you that the Maritime Authority of the
Russian Federation has carried out a re-inspection of the above ship on 11.01.2008 at the port
of ST. PETERSBURG AT 19.10 LT

(Insert comments in free text, if any).

Enclosed please find a copy of the Report of inspection, forms A and B.

Yours faithfully,

[Harbour Master's name and signature]
Capt. ALEXANDER G. KARPENKO

EXHIBIT 6

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@teleurus.net>
To: "operations department" <operations@chiansplit.gr>
Sent: Saturday, December 29, 2007 3:11 PM
Attach: PSC Inspection ST Petersburg.pdf
Subject: PSC INSPECTION REPORT

FM: MV NICHOLAS M
TO: C.S.M.E./OPER DEPT.
REF: 246/29-DEC-07

DEAR SIR,

PLEASE FIND ATTACHED PSC INSPECTION REPORT.

BEST REAGARDS,
MASTER

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@telaurus.net>
 To: "operations department" <operations@chianspirit.gr>
 Cc: "technical dept." <technical@chianspirit.gr>
 Sent: Sunday, December 30, 2007 6:58 PM
 Subject: PSC DEFICIENCIES PROGRESS REPORT

FM: MV NICHOLAS M
 TO: C.S.M.E./OPER DEPT.
 REF: 252/30-DEC-07

DEAR SIR,

PLEASE FIND FOLLOWING DEFICIENCIES RECTIFIED

GROUP CODE	DEFECT	ACTION TAKEN
2705	SECURITY RELATED DEFECTS	CONDUCT SECURITY BRIEFING
0956	GANGWAY UNSAFE	LOWER PLATFORM ADJUSTED
0230	MANNING SPECIFIED BY NMINIMUM SAFE MANNING	NEW SECOND OFFICER ARRIVED
0660	LIFEJACKETS, NOT AS REQUIRED	IN PROGRESS
0520	LIGHTING INCOMPLETE	IN PROGRESS
0411	VENTILLATION, DIRTY FILTER AT GALLEY	CLEANED FILTER
1399	MOORING, SOME RATGUARDS MISSING	REPLACED MISSING
	RAT GUARD	
0985	BULKHEAD CORROSION	IN PROGRESS BY FILTERS
0695	ONBOARD TRAINING AND INSTRUCTION	BRIEFED 3RD OFFICER ABOUT TYPE OF IMMERSION SUIT AND
	PROPER USE	
2010	MUSTER LIST, INCOMPLETE	NEW 2ND OFFICER ONBOARD MURTER
	LIST CORECTED	
1550	LIGHTS, SHAPES,	IN PROGRESS

WILL UPDATE.

REMARKS: CLEANING OF CARGO HOLD NO. 4 NOT COMPLETE DUE
 TO BUNKER BARGE ARRIVAL. WILL CONTINUE AND
 COMPLETE TOMORROW.

BEST REGARDS,
 MASTER

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@telaurus.net>
To: "operations department" <operations@chianspirit.gr>
Cc: "technical dept." <technical@chianspirit.gr>
Sent: Monday, December 31, 2007 5:35 PM
Subject: PSC DEFICIENCIES PROGRESS REPORT

FM: MV NICHOLAS M
 TO: C.S.M.E./OPER DEPT.
 REF: 260/31-DEC-07

DEAR SIR,

PLEASE FIND FOLLOWING DEFICIENCIES RECTIFIED

GROUP CODE DEFECT	ACTION TAKEN
0660 LIFEJACKETS, NOT AS REQUIRED	IN PROGRESS
0520 LIGHTING INCOMPLETE	IN PROGRESS
0985 BULKHEAD CORROSION	IN PROGRESS BY FITTERS
1550 LIGHTS, SHAPES,	IN PROGRESS
0730 FIRE FIGHTING EQUIP'T	REPLACE FIRE EXTINGUISHER WITH
READY SPARE	
0985 BULKHEAD CORROSION (AFT OF BUNKER STN)	IN PROGRESS (PRESENTLY CANNOT WELD, BUNKERING OPERATION
IN PROGRESS.	
1550 LIGHTS, SHAPES, INOPERATIVE	P/S LIGHT RECTIFIED, STERN LIGHT REQUIRE SPARE RELAY IN
BRIDGE	
	PANEL (NO
SPARE O/B)	
1470 INSULATION WETTED THROUGH (OIL)	IN PROGRESS
	CLEANING OF MDO PURIFIER, LO
PURIFIER, ME, AE ROOM	
	FLOORING
COMPLETED	
	LEANING
TODAY.	
0915 SIGNS, INDICATIONS	PORT AND STBD BUTTON STENCILED,
MARKED IN STEE-	
	RING GEAR

RM

REMARKS: SCRAPING OF THICK RUST FLAFES UNDERSIDE HATCH COVER NO. 1 FWD AND AFT.
 JAN. 1, 2008 NO HOTWORK ALLOWED ON DECK AS PER LOCAL PORT REGULATIONS.

BUNKERING IN PROGRESS

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@telaurus.net>
To: "operations department" <operations@chianspirit.gr>
Cc: "technical dept." <technical@chianspirit.gr>
Sent: Wednesday, January 02, 2008 8:48 PM
Subject: PSC DEFICIENCIES PROGRESS REPORT

FM: MV NICHOLAS M
TO: C.S.M.E./OPER DEPT.
REF: 004/02-JAN-08

DEAR SIR,

PLEASE FIND FOLLOWING DEFICIENCIES RECTIFIED.

GROUP CODE	DEFECT	ACTION TAKEN
0660	LIFEJACKETS, NOT AS REQUIRED	TO DISCUSS WITH BV
0520	LIGHTING INCOMPLETE	OUTSIDE LIGHTS IN PROGRESS
0985	BULKHEAD CORROSION (AFT OF BUNKER STN)	COMPLETED 02-JAN-08
1550	LIGHTS, SHAPES, INOPERATIVE RECTIFIED	P/S LIGHT RECTIFIED, STERN LIGHT SUBSTITUTE 02-JAN-08
1470	INSULATION WETTED THROUGH (OIL)	IN PROGRESS

REMARKS: SCRAPING OF RUST FLAKES UNDERSIDE
HATCH COVER NO. 1 AND NO. 2 COMPLETED
02-JAN-08

BEST REGARDS,
MASTER

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@telaurus.net>
 To: "operations department" <operations@chianspirit.gr>
 Cc: "technical dept." <technical@chianspirit.gr>
 Sent: Thursday, January 03, 2008 9:28 PM
 Subject: PSC DEFICIENCIES PROGRESS REPORT

FM: MV NICHOLAS M
 TO: C.S.M.E./OPER DEPT.
 REF: 010/03-JAN-08

DEAR SIR,

PLEASE FIND FOLLOWING DEFICIENCIES RECTIFIED

GROUP CODE	DEFECT	ACTION TAKEN
0660	LIFEJACKETS, NOT AS REQUIRED	DISCUSSED WITH BV, RECTIFIED PERSONALLY AS PER BV
REC.		
0520	LIGHTING INCOMPLETE	RECTIFIED
0533	OBSTRUCTION	RECTIFIED, SECURED SPARE PARTS IN

E/R

0985	BULKHEAD CORROSION (AFT OF BUNKER STN)	COMPLETED 02-JAN-08 FURTHER RECOMMENDATION ISSUED
------	--	--

AS PER ATTACHED LIST

1470	INSULATION WETTED THROUGH (OIL)	RECTIFIED
1420	CLEANLINESS OF E/R	IN PROGRESS

REMARKS: SCRAPING OF RUST FLAKES UNDERSIDE
 HATCH COVER NO. 1, NO. 2 & NO. 3 COMPLETED
 03-JAN-08. CANNOT SPEED UP SCRAPING DUE
 TO PRESENT WEATHER CONDITIONS TEMP - 13
 TO -15 DEGREES CENTIGRADE.

BEST REGARDS,
 MASTER

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@telaurus.net>
To: "operations department" <operations@chianspirit.gr>
Sent: Friday, January 04, 2008 10:50 AM
Subject: NOTICE TO MARINERS

FM: MV NICHOLAS M
TO: C.S.M.E./OPER DEPT.
REF: 016/04-JAN-08

DEAR SIR,

KINDLY ARRANGE THRU LOCAL CHANDLER TO SUPPLY
NOTICE TO MARINERS NOS 49 TO LATEST IN ORDER TO
RECTIFY PSC DEFICIENCY 1570. (LATEST O/B 48/2007)
THANK YOU.

BEST REGARDS,
MASTER

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@telaurs.net>
To: "technical dept." <technical@chianspirit.gr>
Cc: "operations department" <operations@chianspirit.gr>
Sent: Monday, January 07, 2008 8:15 AM
Subject: PSC DEFICIENCY 2545

FM: MV NICHOLAS M
TO: C.S.M.E./TECH DEPT.
REF: 025/07-JAN-08

DEAR SIR,

REF TO PSC DEFICIENCY 2545 "REPORT OF NON-CONFORMITY
ACCIDENTS & HAZARDOUS OCCUR", KINDLY ARRANGE TO SEND
COPY TO SHIP. CORRESPONDENCE WITH FLAG STATE TO OFFICE
AS PER ADVISE BY BV SURVEYOR IN ORDER TO CLOSE THIS
ITEM. THANK YOU.

BEST REGARDS,
MASTER

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@telavrus.net>
 To: "operations department" <operations@chianspirit.gr>
 Cc: "technical dept." <technical@chianspirit.gr>
 Sent: Monday, January 07, 2008 8:42 AM
 Subject: PSC DEFICIENCIES PROGRESS REPORT

FM: MV NICHOLAS M
 TO: C.S.M.E./OPER DEPT.
 REF: 026/07-JAN-08

DEAR SIR,

PLEASE FIND FOLLOWING DEFICIENCIES RECTIFIED

GROUP CODE	DEFECT	ACTION TAKEN
0111	CGO SHIP SAFETY CONSTRUCTION	
	CERTIFICATE	RCVD 06-JAN-08
0199	CLASS CERTIFICATE	RCVD 06-JAN-08
	HULL ANNEX TO CLASS	STILL WITH BV, TO CORRECT
1420	CLEANLINESS OF E/R	CONTINUOUS IN PROGRESS
1570	NAUTICAL PUBLICATIONS	RECTIFIED RCVD NTM 49, 50,51,52/2007
& 01/2008		
1399	MOORING	IN PROGRESS 3 PEAR
	LEADS	
		MORE
	TO FREE FORWARD	
1240	CARGO HATCHWAYS DAMAGED	IN PROGRESS BY SHORE
		REPAIR,
	EXPECT TO COMPLETE	
		08/01/08
	PM	

REMARKS: RE-SWEEPING OF TANK TOP IN CARGO HOLDS IN
 PROGRESS.

BEST REGARDS,
 MASTER

1/11/2008

Master NicholasM

From: "Master NicholasM" <Master.NicholasM@teleurus.net>
 To: "operations department" <operations@chienspirit.gr>
 Sent: Monday, January 07, 2008 6:15 PM
 Subject: PSC DEFICIENCIES PROGRESS REPORT

FM: MV NICHOLAS M
 TO: C.S.M.E./OPER DEPT.
 REF: 029/07-JAN-08

DEAR SIR,

PLEASE FIND FOLLOWING DEFICIENCIES RECTIFIED

GROUP CODE	DEFECT	ACTION TAKEN
0199	CLASS CERTIFICATE	RCVD 06-JAN-08
	HULL ANNEX TO CLASS	STILL WITH BV, TO CORRECT
1420	CLEANLINESS OF E/R	CONTINUOUS IN PROGRESS
1399	MOORING	FREE THREE FROZEN (3) PEAR LEADS FWD 07-JAN-08
1240	IN PROGRESS BY SHORE REPAIR, EXPECT TO COMPLETE 08/01/08 PM	
0543	EXHAUST PIPE IN E/R HOLED	HOLE COVERED TODAY UPPER

PART NEED TO

BE

COVERED, ABT 1 DAY

JOB AS

PER C/E ESTIMATE

0956 GANGWAY UNSAFE INSTALL ADDITIONAL
RAILINGS AT LOWER
PLATFORM AS PER BV
SURVEYOR ADVISE.

REMARKS: FYG EXPERIENCED FRESH WATER PIPE BURSTING
THIS AFTERNOON IN THREE DIFFERENT LOCATIONS.
TWO (2) AT STBD BATHROOM MAIN DECK CEILING
AND ONE (1) AT ELECTRICIAN'S BATHROOM.

RE-SWEEPING OF TANK TOP IN CARGO HOLDS IN
PROGRESS.

BEST REGARDS,
MASTER

1/11/2008

Master Nicholas M

From: "Operations CHIAN SPIRIT" <operations@chianspirit.gr>
To: <Master.NicholasM@telaurus.net>
Sent: Monday, January 07, 2008 4:54 PM
Subject: M/V NICHOLAS M.- PSC inspection carried out at port of St. Petersburg ** MSG#:16886>

MSGNO : 16886

DATE : 07-Jan-2008 16:54

To: M/V "Nicholas M"
Attn: Master

As per your message ref 025/07-JAN-08, regarding PSC Deficiency 2454, please find here below confirmation from Flag Administration that Statutory surveys can be postponed until March 2008.

Confirm receipt.

Best Regards,

Cpt. Costas Bourdis
Operations Manager
C.s.m.e.(as agents only)

----- Original Message -----

Received Inc.MSG.: 87499 Date: Fri 04/Jan/2008 09:25
From: SVG GEN <"SVG Quality And Technical Division" <qualtech@svg-marad.com>>
Subject: FW: M/V NICHOLAS M. ** MSG#:16687>
TO : <<grc_cpi@gr.bureauveritas.com>>, <<ioannis.rallis@gr.bureauveritas.com>>
CC : <<technical@chianspirit.gr>>

Dear Sirs,

The vessel was detained on 29.12.2007.

Anniversary date of statutory surveys is 31.03.2008 (window dates 31.12.07 - 30.06.08)

Considering that the vessel is scheduled to undergo for Dry-docking and Intermediate Survey at the end of March 2008, this Administration agrees in order to have the carrying out of the statutory surveys at the end of March 2008.

Best regards

Armando Capurro

Quality and Technical Division
Maritime Administration
St Vincent and the Grenadines

-----Original Message-----

From: Technical CHIAN SPIRIT [mailto:technical@chianspirit.gr]
Sent: 03 January 2008 12:39
To: qualtech@svg-marad.com
Cc: grc_cpi@gr.bureauveritas.com; ioannis.rallis@gr.bureauveritas.com

1/11/2008

Subject: M/V NICHOLAS M. ** MSG#:<16687>

MSGNO : 16687

DATE : 03-Jan-2008 13:38

To: Messrs "St. Vincent & The Grenadines"
Attn: Mr. Capurro

Cc: BV Piraeus
Attn: Mr. Rallis

Re: M/V "Nicholas M." - PSC inspection carried out at port of St. Petersburg

Dear Sir,

Further to the PSC inspection at St. Petersburg, please be informed that the above-mentioned vessel is scheduled to undergo for Dry-docking and Intermediate Survey on the end of March 2008. Taking into consideration the facts that St. Petersburg's port is not convenient and the short remaining period till the next dry-docking and Intermediate survey, you are kindly requested to postpone the implementation of paragraphs 1 and 2 of SVG's Circular No. PSC 018 till the end of March 2008.

Best Regards & happy new year,

Argyris Stathopoulos
Technical Manager
C.S.M.E.(as agents only)

126, KOLOKOTRONI STR.
185 35 PIRAEUS, GREECE
TEL: +30 210 4294 777
FAX: +30 210 4599 099
EMAIL: TECHNICAL@CHIANSPIRIT.GR

1/11/2008

Master NicholasM

From: "Operations CHIAN SPIRIT" <operations@chianspirit.gr>
 To: <Master.NicholasM@telaurus.net>
 Sent: Wednesday, January 09, 2008 10:33 AM
 Subject: Fw:[FW: NICHOLAS M. / DETENTION AT ST. PETERSBURG ON 29.12.07
 OLDMSG#: <16943>] ** MSG#: <16937>

MSGNO : 16987

DATE : 09-Jan-2008 10:33

DEAR CAPTAIN,
 PLEASE FIND HEREBELOW THE MESSAGE RECEIVED FROM FLAG ADMINISTRATION WHICH IS SELF EXPLANATORY. THEREFORE THE ADDITIONAL EXTERNAL ISM AUDIT WILL BE CONDUCTED AT THE NEXT PORT OF CALL. DEMONSTRATE THIS MESSAGE TO THE CLASSIFICATION SOCIETY AND/OR TO THE PSC INSPECTORS IN CASE IS REQUESTED.

CONFIRM SAFE RECEIPT.
 BEST REGARDS
 CAPT.D.DRYMONIS
 SAFETY & QUALITY DEPT.
 C.S.M.E./(AS AGENT ONLY)

----- Original Message -----

Received Inc.MSG: 88601 Date: Tue 08/Jan/2008 19:58
 From: SVG GEN <"SVG Quality And Technical Division" <qualtech@svg-marad.com>>
 Subject: FW: NICHOLAS M. / DETENTION AT ST. PETERSBURG ON 29.12.07 **
 MSG#: <16943>
 TO : <<operations@chianspirit.gr>>, <"INSB" <insb@hol.gr>>

Dear Cpt C. Bourdis & Mr. P. Klavdianos

Considering your message below and the INSB message ISM/9754/PK/EF/08 dated 08.01.2008, this Administration has no objection to have the additional vessel ISM audit carried out at the next port.

Best regards

Armando Capurro

Quality and Technical Division
 Maritime Administration
 St Vincent and the Grenadines

-----Original Message-----

From: Operations CHIAN SPIRIT [mailto:operations@chianspirit.gr]
 Sent: 08 January 2008 14:48
 To: insb@hol.gr; qualtech@svg-marad.com
 Subject: NICHOLAS M. / DETENTION AT ST. PETERSBURG ON 29.12.07 **
 MSG#: <16943>

MSGNO : 16943

1/11/2008

DATE : 08-Jan-2008 15:47

To: St. Vincent and The Grenadines Geneva
- Mr. Armando Capurro

Cc: International Naval Survey Bureau
- Mr. P. Klavdianos

Dear Sir,

Based on the Flag's Circular No PSC 018, an additional external audit must be carried out prior vsi's sailing from present port.
However please note following difficulties:

- Due to the prolonged holiday period up to 09.01.08 all actions to get visas have been postponed.
- The requirement of a special visa as to visit the specific port area, which is issued from the ministry of foreign affairs is not obtained easily and it requires a time period of approximately 15-30 days.
- There is no available local surveyor at port of St. Petersburg, as previously advised by INSB who are reading us in copy and are kindly requested to confirm same.

Give all above you are kindly requested to accept our appeal to postpone vessel's additional external audit until next Brazilian port on/abt end of February 2008.

Thank you in advance for your understanding.

Best Regards,

Cpt. Costas Bourdis
DPA
Chian Spirit Maritime Enterprises Inc.
(as agents only)

1/11/2008

EXHIBIT 7

Master NicholasM

From: "Operations-CHIAN SPIRIT" <operations@chianspirit.gr>
To: <Master.NicholasM@telaurus.net>
Sent: Tuesday, January 08, 2008 4:07 PM
Attach: non conformity report nicholas.pdf
Subject: ISSUANCE OF NON CONFORMITIES ** MSG#:<16947>

MSGNO : 16947

DATE : 08-Jan-2008 16:07

DEAR CAPTAIN,

FIND HERewith ATTACHED NON CONFORMITY REPORTS
ISSUED FROM THE UNDERSIGNED DUE TO PSC INSPECTION
DEFICIENCIES AT SAINT PETERSBURG.

UPON RECEIPT REVIEW SAME AND SIGN THEM SPECIFICALLY AT BOX 13 AND SEND
THEM BACK TO OUR OFFICE.

IN ORDER TO FULL FIL WITH SMS PROCEDURES PLEASE COMPLETE AND SEND TO
OUR OFFICE COPY OF THE FORM F0903 (SMS CHAPTER 9 FORM F0903 NEAR
MISS/ACCIDENT/INCIDENT ANALYSIS) REGARDING THE DEFICIENCY WITH CODE
2545.

MEAN TIME FOLLOW-UP THE CORRECTIVE ACTIONS STATED IN BOX 10 ONE BY
ONE AND REPORT TO OUR OFFICE ACCORDINGLY BY PRINTING THE WORD MASTER
AT BOX 14 AND STATE DOWN WHICH ITEM HAS BEEN COMPLETED. I. E.
(MASTER/ ITEMS 1,2,3,4,ETC). IN ADDITION PRINT THE DATE AT BOX 16
AND SEND ONE COPY TO OUR OFFICE.

CONFIRM SAFE RECEIPT FOR THIS MSG.

BEST REGARDS -

CAPT. D.DRYMONIS

S&Q DEPT

C.S.M.E/(AS AGENT ONLY

1/8/2008



NON CONFORMITY REPORT

F1204

Approved by: DP

Revision date: 20-08-07

Revision no:00

Page 1 of 1

1. Dept/Vessel*: NICHOLAS M.	2. NC Nr: 001/08	3. Date: 02/01/2008	4. Author: D.DRYMONIS
5. SMS Ref:			
6. ISM Code Ref:		8. Distribution: MASTER - DPA - S & Q DEPT	

9. Description of Non-Conformity: Attached report with deficiencies issued by PSC Inspector at Saint Petersburg on 29/12/2007. Specifically:

Items: 1) Cargo Safety Construction Certificate withdrawn by BV on 28.12.07

2) Class Certificate withdrawn by BV on 28.12.07

18) Bulkhead from main Deck to store room P/S holed.

19) Leakage from bilge collecting tank #9 (max Capacity 37.8 Cub.M) into B/R.

21) Cargo hatchways damaged. (Metal hinges torn out from base (Hold no 6) due to damage of Hydraulic system

22) Cargo Hatchways corroded. (Hatch covers, coamings, compression bars etc. of all the holds heavily corroded and should be properly inspected and repaired under class supervision.

10. Corrective Action:

A) Items 1, 2, 18, 19, 21, 22 to be rectified and inspected before departure to Class satisfaction.

B) Master to ensure rectification and to report accordingly to our Office with supporting documents such as: Declaration by Master in Writing to explain rectification procedures of the deficiencies concerning repairs, Classification society report. In addition PSC report with action taken (closed out, and/or any other comment) to be forwarded.

C) Discuss the subject in next safety meeting and avoid repetition of same deficiencies in the future.

11. Time Limit: Items 1, 2, 18, 19, 21 & 22 to be rectified before departure

12. Author's Signature:	16. Report date of corrective action:
13. Head of Dept/Master:	17. Verification date:
14. Corrective Action Completion Reported by:	18. Closing date:
15. Corrective Action verified by:	19. DPA:

*Delete as appropriate

Non conformity Report to be filed in Deck Safety file 93A



NON CONFORMITY REPORT

F1204
Approved by: DP
Revision date: 20-08-07
Revision no:00
Page 1 of 1

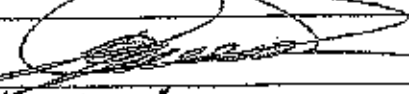

1. Dept/Vessel*: NICHOLAS M.	2. NC Nr: 602/08	3. Date: 02/01/2008	4. Author: D.DRYMONIS
5. SMS Ref:			
6. ISM Code Ref:	8. Distribution: MASTER - DPA - S & Q DEPT		

9. Description of Non-Conformity: Attached report with deficiencies issued by PSC inspector at Saint Petersburg on 29/12/2007. Specifically:
Items: 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 24, 25, 27 & 28 not as required
 See attached form for details.

10. Corrective Action:

- A) Items 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 24, 25, 27 & 28 to be rectified before departure by ships staff respectively.
 B) Master to ensure rectification and to report accordingly to our Office with supporting documents such as: Declaration by Master in Writing to explain rectification procedures of the deficiencies concerning repairs. In addition PSC report with action taken (closed out, and/or any other comment) to be forwarded.
 C) Discuss the subject in next safety meeting and avoid repetition of same deficiencies in the future.

11. Time Limit: Items 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 24, 25, 27 & 28 to be rectified before departure.

12. Author's Signature: 	16. Report date of corrective action:
13. Head of Dept/Master*: 	17. Verification date:
14. Corrective Action Completion Reported by:	18. Closing date:
15. Corrective Action verified by:	19. DPA:

*Delete as appropriate

Non conformity Report to be filed in Deck Safety file DSA



NON CONFORMITY REPORT

F1204
Approved by: DP
Revision date: 20-08-07
Revision no:00
Page 1 of 1

1. Dept/Vessel*: NICHOLAS M.	2. NC Nr: 003/08	3. Date: 02/01/2008	4. Author: D.DRYMONIS
5. SMS Ref:			
6. ISM Code Ref:		8. Distribution: MASTER - DPA - S & Q DEPT	

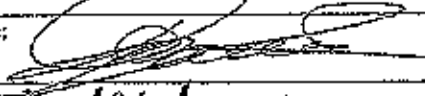
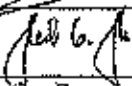
9. **Description of Non-Conformity:** Attached report with deficiencies issued by PSC inspector at Saint Petersburg on 29/12/2007. Specifically:

Items: 5 & 26 not as required
See attached form for details.

10. Corrective Action:

- A) Item 5 to be rectified before departure (Company's action).
- B) Item 26 to be updated always (2nd or 3rd Officer)
- C) Master to ensure compliance and to report accordingly to our Office with supporting documents such as: Declaration by Master in Writing to explain rectification procedures of the deficiencies. In addition PSC report with action taken (closed out, and/or any other comment) to be forwarded.
- D) Discuss the subject in next safety meeting and avoid repetition of same deficiencies in the future.

11. Time Limit: Items 2 & 26 to be rectified before departure.

12. Author's Signature: 	16. Report date of corrective action:
13. Head of Dept/Master: 	17. Verification date:
14. Corrective Action Completion Reported by:	18. Closing date:
15. Corrective Action verified by:	19. DPA:

*Delete as appropriate

Non conformity Report to be filed in Deck Safety file 03A



NON CONFORMITY REPORT

F1204
Approved by: DP
Revision date: 20-08-07
Revision no:00
Page 1 of 1


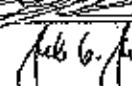
1. Dept/Vessel*: NICHOLAS M.	2. NC Nr: 004/08	3. Date: 02/01/2008	4. Author: D.DRYMONIS
5. SMS Ref:			
6. ISM Code Ref:		8. Distribution: MASTER - DPA - S & Q DEPT	

9. Description of Non-Conformity: Attached report with deficiencies issued by PSC inspector at Saint Petersburg on 29/12/2007. Specifically:
Items: 16 & 20 not as required
See attached form for details.

10. Corrective Action:

- A) Items 16 & 20 to be rectified (supplied) before departure (Company's action).
- B) Master to ensure compliance and to report accordingly to our Office with supporting documents such as: Declaration by Master in Writing to explain rectification procedures of the deficiencies and relevant delivery invoices. In addition PSC report with action taken (closed out, and/or any other comment) to be forwarded.
- C) Discuss the subject in next safety meeting and avoid repetition of same deficiencies in the future.

11. Time Limit: Items 16 & 20 to be rectified before departure.

12. Author's Signature: 	16. Report date of corrective action:
13. Head of Dept/Master: 	17. Verification date:
14. Corrective Action Completion Reported by:	18. Closing date:
15. Corrective Action verified by:	19. DPA:

*Delete as appropriate

Non conformity Report to be filed in Deck Safety file 03A



NON CONFORMITY REPORT

F1204

Approved by: DP

Revision date: 20-08-07

Revision no:00

Page 1 of 1

1. Dept/Vessel*: NICHOLAS M.	2. NC Nr: 005/08	3. Date: 02/01/2008	4. Author: D.DRYMONIS
5. SMS Ref:			
6. ISM Code Ref:	8. Distribution: MASTER - DPA - S & Q DEPT		

9. Description of Non-Conformity: Attached report with deficiencies issued by PSC inspector at Saint Petersburg on 29/12/2007. Specifically:

Item: 23 not as required

See attached form from details.

10. Corrective Action:

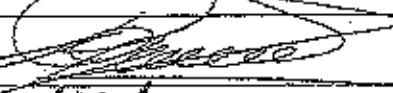
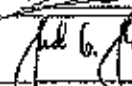
A) Regarding Item 23 such incidents/accidents and/or near misses should be reported by using the SMS form F0903 Near Misses/Accidents/Incident Analysis SMS chapter 9.

B) Master to ensure compliance and to report accordingly to our Office with supporting documents. Such as form F0903.

In addition PSC report with action taken (closed out, and/or any other comment) to be forwarded.

C) Discuss the subject in next safety meeting and avoid repetition of same deficiencies in the future.

11. Time Limit: Item 23 to be rectified before departure.

12. Author's Signature: 	16. Report date of corrective action:
13. Head of Dept/Master*: 	17. Verification date:
14. Corrective Action Completion Reported by:	18. Closing date:
15. Corrective Action verified by:	19. DPA:

*Delete as appropriate

Non conformity Report to be filed in Deck Safety file 83A